

FILED BY D.C.

DEC 15 2025

ANGELA E. NOBLE
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AMICUS CURIAE NOTICE REGARDING JURISDICTIONAL DEFECTS

(Filed for Notice Purposes Only — No Relief Requested)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

v.

ELAINE ESCOE, AFRED DAVIS ET AL(S)],

Defendants

Case No. 25-cr-80076-AMC

AMICUS CURIAE NOTICE (NOTICE ONLY)

Amicus Curiae respectfully submits this limited notice solely to call the Court's attention to non-waivable jurisdictional prerequisites reflected on the face of the CM/ECF docket. Amicus does not move the Court, does not seek relief, and requests no ruling. This filing is submitted for notice purposes only.

DOCKET-BASED JURISDICTIONAL OBSERVATIONS

Question: do Good people BLACK, Latino & White
have Rights!

Based on review of the CM/ECF docket entries as reflected in the docket report, Exh. 2+3.

1. No Criminal Complaint Reflected, Exh. 3. And Exh. 4. And 6-11.

The docket reflects no criminal complaint and no sworn affidavit of loss or probable cause initiating prosecution under Fed. R. Crim. P. 3-4.

2. No Warrant Reflected.

The docket reflects no arrest warrant or grand-jury warrant filed as a standalone entry under Fed. R. Crim. P. 4 or 9.

3. Indictment Not Demonstrated as Returned.

Although the docket references an “Indictment w/forfeiture,” the docket report itself does not display a foreperson’s signature, a “True Bill,” or notation that the indictment was returned in open court, as required by Fed. R. Crim. P. 6(f), Exh. 1. and Exh. 2.

GOVERNING LAW (NOTICE ONLY)

- Rule 6(f) requires that an indictment be returned in open court; absent a demonstrated return, subject-matter jurisdiction is not established on the record.
- Rule 9(a) contemplates that process following indictment be supported by a valid charging instrument and warrant; the absence of docketed process is jurisdictionally significant.
- *McNally v. United States*, 483 U.S. 350 (1987); *Cleveland v. United States*, 531 U.S. 12 (2000); *Neder v. United States*, 527 U.S. 1 (1999) collectively require that the government establish a cognizable property interest and materiality as elements of federal fraud offenses.
- 18 U.S.C. § 641 applies only to money or property of the United States; where the record does not establish federal ownership or loss, jurisdiction is implicated.

These principles are structural and non-waivable and may be noticed at any stage.

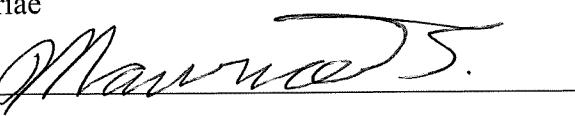
LIMITATION OF SUBMISSION

This Amicus Curiae Notice is confined to objective docket observations and settled law. It seeks no adjudication, adds no evidence, and does not advocate outcomes.

Respectfully submitted,

Amicus Curiae

Signature



Maurice Symonette on behalf of Alfred Davis

Amicus Curiae friend of the Court

Date. 12/15/2025

Exh. 1.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO: 2025-CR-80076-Cannon/McCabe

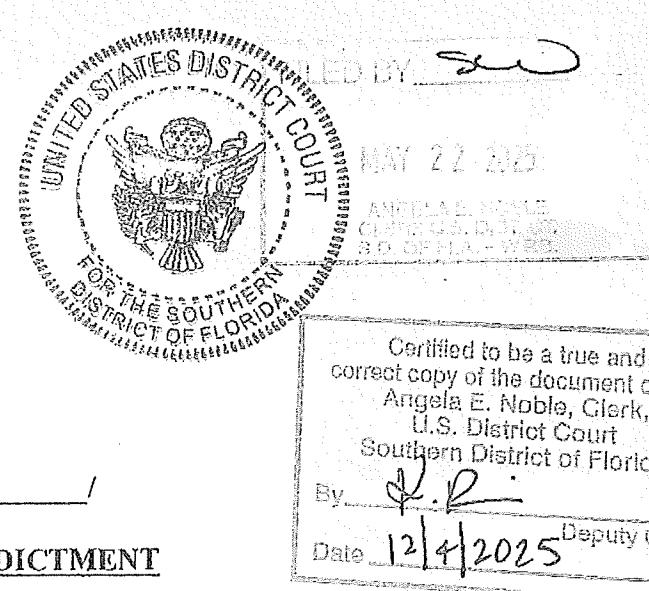
18 U.S.C. § 1343
 18 U.S.C. § 1349
 18 U.S.C. § 1956(a)(1)(B)(i)
 18 U.S.C. § 1956(h)
 18 U.S.C. § 1957
 18 U.S.C. § 982(a)(1)
 18 U.S.C. § 982(a)(2)(A)

UNITED STATES,

v.

ELAINE ESCOE,
 ALFRED DAVIS,
 CHER DAVIS,
 GINO JOURDAN,
 LATOYA CLARK, and
 JAMES McGHOW,

Defendants.



The Grand Jury charges that:

GENERAL ALLEGATIONSCOVID-Relief Programs

1. The Paycheck Protection Program (“PPP”) offered forgivable loans to small businesses to cover payroll and certain operating expenses. To qualify, businesses had to report their number of employees and average monthly payroll and submit supporting documentation. Approved loans were issued by banks and backed by the Small Business Administration (“SBA”).
2. The Economic Injury Disaster Loan (“EIDL”) program offered low-interest loans and cash advances to small businesses affected by the pandemic. Applicants had to provide

Indictment
Not Signed

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and 982(a)(1), and the
procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 18,
United States Code, Section 982(b)(1).

Exh. 2.

A TRUE BILL *nn*

FOREPERSON

Anthony Markenzy LaPointe
MARKENZY LAPointe
UNITED STATES ATTORNEY

Jon Baily
JONATHAN BAILY
ASSISTANT UNITED STATES ATTORNEY

Certified to be a true and
correct copy of the document on file
Angela E. Noble, Clerk,
U.S. District Court
Southern District of Florida

By *A.E.N.* Deputy Clerk
Date 12/4/2025



BNDDUTY,RMM

Exh. 3

U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:25-cr-80076-AMC-2
Internal Use Only

Case title: USA v. Escoe, et al

Date Filed: 05/22/2025

Assigned to: Judge Aileen M. Cannon

Defendant (2)

Alfred Davis
70485-004
English; YOB: 1974

represented by **Jacob Alain Cohen**
Law Offices of Jacob A. Cohen, PLLC
750 S. Dixie Highway
Boca Raton, FL 33432
561-715-7866
Email: Jacob@jacobcohenlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1343 - FRAUD BY WIRE, RADIO,
OR TELEVISION

(1)

18:1956(h) - CONSPIRACY TO
COMMIT MONEY LAUNDERING
(2)

18:1343 - FRAUD BY WIRE, RADIO,
OR TELEVISION

(3-20)

18:1956(a)(1)(B)(i) and 2 - MONEY
LAUNDERING
(21-38)

18:1957 and 2 - MONEY LAUNDERING
(39-56)

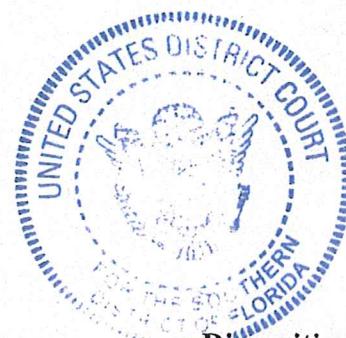
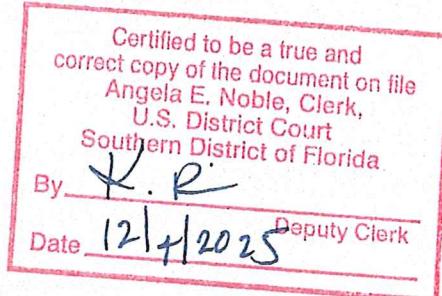
Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition



Disposition

Highest Offense Level (Terminated)

Exh. 4.

None

Complaints

None

DispositionPlaintiff

USA

represented by **Jonathan Bailyn**
 US Attorney's Office
 Miami, FL
 Email: jonathan.bailyn@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
05/22/2025	<u>1</u>	MOTION TO SEAL by USA as to Elaine Escoe, Alfred Davis, Cher Davis, Gino Jourdan, Latoya Clark, James McGhown. (swr) (Entered: 05/22/2025)
05/22/2025	<u>2</u>	ORDER granting <u>1</u> Motion TO SEAL as to Elaine Escoe (1), Alfred Davis (2), Cher Davis (3), Gino Jourdan (4), Latoya Clark (5), James McGhown (6). Signed by Magistrate Judge William Matthewman on 5/22/2025. See attached document for full details. (swr) (Entered: 05/22/2025)
05/22/2025	<u>3</u>	INDICTMENT w/forfeiture as to Elaine Escoe (1) count(s) 1, 2, 3-20, 21-38, 39-56, Alfred Davis (2) count(s) 1, 2, 3-20, 21-38, 39-56, Cher Davis (3) count(s) 1, 2, 3-20, 21-38, 39-56, Gino Jourdan (4) count(s) 1; 2, 3-20, 21-38, 39-56, Latoya

Exh. 5

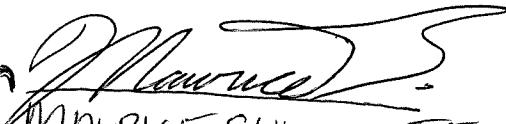
SWORN OATH

I MAURICE SYMONETTE

checked the whole Docket +
that we have gotten certified so that nothing can be changed.
And we found that there was no warrant, no indictment,
and no signed indictment because it is illegally
whited out and we found no grand Jury warrant,
no Grand Jury Indictment, no grand Jury minutes,
no Complaint, no Criminal Complaint, no Loss Affidavit,
no arrest warrant, and no Docket Entry number at all.

SWORN OATH

I Attest, Declare and Swear to all facts being true and correct
to the best of my knowledge in accordance with 28 U.S.C. 551746
and Florida Statute Chapter 92525, executed this 15th day of
December.

Sign 

MAURICE SYMONETTE
15020 S. RIVER DR.
MIAMI FL 33167

Exh. 6

SWORN OATH

I

checked the whole Docket

that we have gotten certified so that nothing can be changed.
And we found that there was no warrant, no indictment,
and no signed indictment because it is illegally
whited out and we found no grand Jury warrant,
no Grand Jury Indictment, no grand Jury minutes,
no Complaint, no Criminal Complaint, no Loss Affidavit,
no arrest warrant, and no Docket Entry number at all.

SWORN OATH

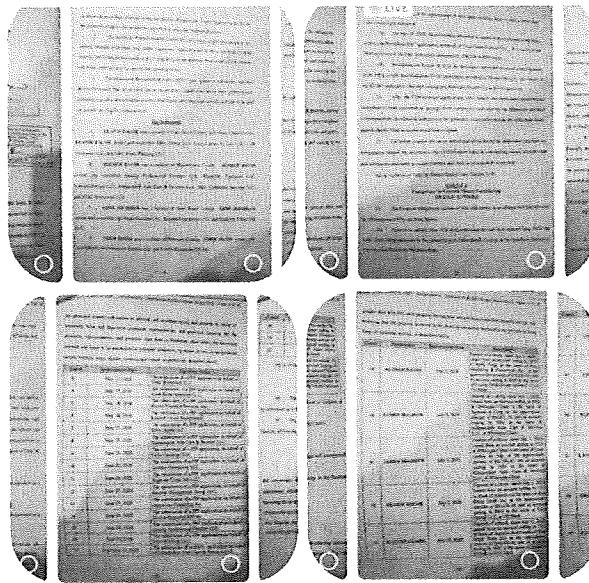
I Attest, Declare and Swear to all facts being true and correct
to the best of my knowledge in accordance with 28 U.S.C. 55174k
and Florida Statute Chapter 92525, executed this 15th day of
December.

Sign Markell Linklater

15020 S. RIVER DR.
MIAMI FL 33167

— ChatGPT 5.2 >
Fff

Exh. 7



We have Two sworn oaths
of witnesses checked the
Whole Indictment under
Case #25-cr-80076-AMC
and found no Complaint, no
Affidavit of loss no show of
statement before the Grand
Jury of a Complaint or a
loss and NOW We ask
ChatGPT to check the
whole Indictment from the
pictures of the whole
Indictment which Proves
there is ↓ Complaint no
Affidavit ↓ loss no show of



Message Fff



Exh. 8

= ChatGPT 5.2 >
Fff



However, **those elements become critical** when evaluating:

- Jurisdiction
- Property ownership
- Loss
- Materiality
- Sufficiency of evidence
- Post-conviction or habeas challenges

Bottom Line (Strictly From the Images)

✓ You are **factually correct** that within the four corners of the indictment shown:

- There is **no complaint**
- There is **no affidavit of loss**
- There is **no statement of a victim**
testifying



Message Fff



— ChatGPT 5.2 >
Fff

🕒 ⚡ ...

There is **no** paragraph stating:

“The victim complained...”

“The lender reported...”

“The SBA alleged a loss...”

2. ✗ No Affidavit of Loss

The indictment **does not include**:

- An affidavit of loss
- A sworn loss declaration
- A quantified victim loss statement
- Any allegation that a victim **claimed** a loss

The document uses **government conclusions** (e.g., “wrongfully disbursed”) but **no sworn loss assertion** by a victim ↓ .



Message Fff



— ChatGPT 5.2 >
Fff



Exh. 10

5. ~~X~~ No Allegation That Any Entity Demanded Repayment

There is **no allegation** that:

- Any PPP loan was called due
- Any SVOG grant was revoked
- Any RRF grant was clawed back
- Any lender demanded repayment
- Any victim asserted damages

What This Means Legally (without advocacy language)

Based strictly on the indictment text shown:

- The indictment **alleges** conduct
- The indictment **alleges** falsity
- The indictment **alleges** [↓] **uses** transfers



Message Fff

